

What is claimed is

1. A transgenic plant having in its genome an exogenous DNA construct comprising a promoter operably linked to a heterologous DNA, wherein said promoter is derived from the 5' regulatory region of an *emb5* gene and exhibits promoter activity in plants.
2. A transgenic plant according to claim 1 wherein said promoter comprises DNA with a nucleic acid sequence of SEQ ID NO:1.
3. A transgenic plant according to claim 1 wherein said promoter comprises from about 100 to about 1650 contiguous nucleotides of DNA, wherein said contiguous nucleotides of DNA have from 85% to 100% sequence identity to about 100 to about 1650 contiguous nucleotides of DNA having the sequence of SEQ ID NO:1.
4. A transgenic plant according to claim 1 wherein said promoter comprises CAAT and TATA box elements.
5. A transgenic plant according to claim 1 wherein said heterologous DNA encodes a molecule imparting a plant physiological benefit, pest resistance or disease resistance during embryo development.
6. A transgenic plant according to claim 1 wherein said heterologous DNA transcribes to RNA imparting gene suppression.
7. A transgenic plant according to claim 6 wherein said heterologous DNA transcribes to double-stranded RNA for suppressing a native gene in an embryo.
8. A transgenic plant according to claim 1 wherein said heterologous DNA, if expressed in a developing embryo, increases the nutritional quality of a seed.
9. A transgenic plant according to claim 8 wherein said heterologous DNA encodes one or more proteins in the group consisting of dihydropicolinate synthase, aspartate kinase, anthranilate synthase, and diacylglycerol acyltransferase.
10. A transgenic plant according to claim 1 which is a corn, soybean, cotton, wheat, rice or canola plant.
11. Seed from a transgenic plant of claim 1.
12. Seed from a transgenic plant of claim 10.
13. Seed for producing a transgenic plant of claim 10.

14. A DNA construct comprising a promoter derived from an *emb5* gene operably linked to a heterologous DNA.
15. A DNA construct according to claim 14 wherein said promoter comprises DNA having a nucleic acid sequence of SEQ ID NO:1.
16. A DNA construct according to claim 14 wherein said promoter comprises from about 100 to about 1650 contiguous nucleotides of DNA, wherein said contiguous nucleotides of DNA have from 85% to 100% sequence identity to about 100 to about 1650 contiguous nucleotides of DNA having the sequence of SEQ ID NO:1.
17. A method for providing a transgenic plant which produces RNA of interest during embryo development comprising introducing into the genome of said plant a DNA construct according to claim 14.
18. A substantially purified DNA having promoter activity in plants wherein said DNA promoter comprises from about 100 to about 1650 contiguous nucleotides of DNA, wherein said contiguous nucleotides of DNA have from 85% to 100% sequence identity to about 100 to about 1650 contiguous nucleotides of DNA having the sequence of SEQ ID NO:1.